

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

JOHN EDWARD KIRBY,

Petitioner,

vs.

WARDEN BREITENBACH,

Respondents

Case No. 3:24-cv-00002-ART-CSD

**ORDER FOR ENLARGEMENT OF TIME  
TO FILE RESPONSE TO FIRST AMENDED  
PETITION FOR WRIT OF HABEAS  
CORPUS (ECF NO. 20) (SECOND REQUEST)**

Respondents, by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, hereby respectfully move this Court for an order granting a thirty-one (31) day enlargement of time, to and including March 31, 2025, in which to file and serve their response to the first-amended petition.

This motion is based upon the provisions of Rule 6(b) of the Federal Rules of Civil Procedure and the attached Declaration of Counsel, as well as all other papers, documents, records, pleadings and other materials on file herein.

This motion is made in good faith and not for the purpose of delay.

RESPECTFULLY SUBMITTED this 28th day of February, 2025.

AARON D. FORD  
Attorney General

By: /s/ Leslie A. Healer  
LESLIE A. HEALER (Bar No. 16710)  
Deputy Attorney General

**DECLARATION OF COUNSEL**

STATE OF NEVADA            )  
  : ss.  
CARSON CITY                )

I, LESLIE A. HEALER, hereby state, based on personal knowledge and/or information and belief, that the assertions of this declaration are true:

1. I am a Deputy Attorney General of the Post-Conviction Division of the Nevada Attorney General's Office, and I make this declaration on behalf of Respondents' motion for enlargement of time.

2. My response in this matter is currently due on February 28, 2025. By this motion, I am requesting a thirty-one (31) day enlargement of time, to and including March 31, 2025, in which to file my response. This is the first request for enlargement of time.

3. I require additional time to complete my response in this matter.

4. Since Respondents' previous request for enlargement of time, I have had to prioritize work on other federal habeas matters, including drafting a response in *Hartzell v. Breitenbach*, 3:24-cv-00028-ART-CLB, a response and a motion to dismiss in *Rodriguez v. Henley*, 3:24-cv-00182-MMD-CLB, a reply in *Moore v. Oliver*, 2:24-cv-00774-JAD-MDC, a reply in *Marshall v. Bean*, 2:23-cv-01394-APG-DJA, an answer in *Glover v. Reubart*, 3:22-cv-00207-MMD-CSD, a motion to dismiss in *Lemus v. Garrett*, 3:21-cv-00425-MMD-CLB, a motion to dismiss in *Sanchez-Rodriguez v. Breitenbach*, 3:24-cv-00032-ART-CSD, a reply in *Davis v. Najera*, 2:23-cv-01208-APG-MDC, a motion to dismiss in *Rivera v. Gittere*, 2:24-cv-01072-RFB-BNW, and a reply in *Woods v. Bean*, 2:23-cv-00233-JAD-MDC.

5. In addition to my federal habeas caseload, I am responsible for state habeas cases. During this same time period, I had to respond to 3 state habeas petitions.

6. I have been preparing for oral argument in *Patterson v. Attorney General of the State of Nevada*, 23-3078 (9th Cir.).

7. I contacted counsel for the petitioner, and Laura Berrera indicated that she has no objection to this request.

8. As such, this motion for enlargement of time is made in good faith and not for the purpose of unduly delaying the ultimate disposition of this case.

1 Pursuant to 28 U.S.C. § 1746, Declarant herein certifies, under penalty of perjury, that the  
2 foregoing is true and correct.

3 Dated this 28th day of February, 2025.

4 By: /s/ Leslie A. Healer  
LESLIE A. HEALER (Bar No. 16710)

6 **ORDER**

7 IT IS SO ORDERED.

8 Dated this 28th day of February, 2025.

9   
10 DISTRICT COURT JUDGE

**CERTIFICATE OF SERVICE**

I certify that I am an employee of the Office of the Attorney General and that on this 28th day of February, 2025, I served a copy of the foregoing **UNOPPOSED MOTION FOR ENLARGEMENT OF TIME TO FILE RESPONSE TO FIRST AMENDED PETITION FOR WRIT OF HABEAS CORPUS (ECF NO. 20) (SECOND REQUEST)** by U.S. District Court CM/ECF electronic filing to:

Laura Barrera  
Assistant Federal Public Defender  
Ron Sung  
Assistant Federal Public Defender  
411 E. Bonneville Ave Ste 250  
Las Vegas, NV 89101  
Laura\_barrera@fd.org  
Ron\_sung@fd.org

/s/ Amanda White